

OUR INTRODUCTORY COMMENTS

Thank you for the opportunity to contribute to the work of the Commission on Women Offenders. Women offenders have continued to be a priority for South West Scotland Community Justice Authority (SWSCJA) over both the previous (2008-11) and current (2011-14) Area Plans.

Some of our most recent learning around women in the criminal justice system has come from the experience of the Women in Focus service, which was established by SWSCJA using temporary service development funding from the Scottish Government, and which ran until June 2011. Women in Focus offered support for women subject to community sentences (primarily probation) across South West Scotland, through a partnership service between Barnardo's and local authorities, with the aim of reducing breach rates and levels of custody; reducing re-offending; and supporting community re-integration.

It was with regret that we have been unable to secure ongoing funding for this service, although it has inspired a number of spin-off developments within local authorities (e.g. a dedicated women offenders' team within Criminal Justice Social Work) and Barnardo's, the service provider (e.g. a peer mentoring service). We are in the process of establishing a short-life working group to look at the learning from Women in Focus, based on the external evaluation by the Scottish Centre for Crime and Justice Research – this research report is also recommended to the Commission.¹

OUR SIX PRACTICAL RECOMMENDATIONS

We understand that you have been tasked to come up with *practical recommendations* to help improve the outcomes for women in the criminal justice system, so we have developed this submission with that aim in mind. Here are our six practical recommendations:

1. We should not view women involved in the criminal justice system as an isolated group of 'offenders', but as women with complex needs who should be supported to better access those existing, **mainstream services** which are available to any other member of the community. These services include housing, health (including mental health), addictions, financial inclusion, family support and so on.
2. A **victims approach** should be taken to women offenders. The criminal justice system should recognise their common experience as victims of crimes such as domestic abuse, sexual abuse and coercion by others, and we should ensure their access to support services for victims.
3. Responsibility for implementing the Commission's recommendations should be allocated to specific named individuals (or posts) within the relevant organisations, with regular

¹ 'Women in Focus: an evaluation' (SCCJR, June 2011) <http://www.swscja.org.uk/research-and-reports/view-category.html>

monitoring, reporting and calling to account where progress is failing. **Strategic leadership** to oversee this process should be identified as part of the Commission's recommendations, or within the Scottish Government's response.

4. A **Whole Systems Approach** for women in the criminal justice system should be considered, learning both from the current Glasgow pilot, and from the successes of Whole Systems in relation to youth justice. This would include a coordinated, early intervention approach and the pooling of resources, centred on the needs of each individual.
5. Each community sentence should include a component of funded **additional holistic support for women**, to complement existing statutory provision and to respond to women's wider needs. This should reduce breach rates and reduce future re-offending. Our previous Women in Focus service (delivered by Barnardo's in partnership with local authorities) was costed at just £1698 per service user.
6. Women leaving custody should receive a **consistent throughcare support service**, no matter which prison they are leaving and to which area they are returning – including the opportunity to get to know their throughcare workers prior to liberation and a 'meet at the gate' option.

Our more detailed response to the specific questions asked by the Commission is included in the Appendix.

OUR CONCLUDING COMMENTS

Through our work as a Community Justice Authority, we have many opportunities to meet with and talk with women involved in the criminal justice system, including those serving their sentences in the community and in custody, and those who have moved on with their lives.

These conversations are both rewarding (when we can see women receiving the support they so desperately need, or taking steps to move forward), and yet frustrating, when so often the same issues are identified as leading them into offending, or the same issues are preventing them moving on.

As local community justice partners, we recognise it is within our gift to improve our own services to women offenders, and we continue to identify, support and encourage local improvements, however change – and strategic leadership – is also required at a national level, to address the overall system failure in relation to women in the criminal justice system.

We therefore strongly welcome the establishment of the Commission on Women Offenders and look forward to hearing – and helping to deliver – its future recommendations.

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APPENDIX: OUR RESPONSE TO THE COMMISSION'S SPECIFIC QUESTIONS

What are the key challenges in dealing with women offenders in the criminal justice system and how might these be overcome?

- Women in the criminal justice system need to be viewed **holistically** – not as an isolated group of 'offenders' but as individuals with **complex needs** who have throughout their lives either lacked access to support services, or been failed by services.
- They should therefore be supported to better access those existing, **mainstream services** which are available to any other member of the community – for example housing, health (including mental health), addictions, financial inclusion, family support and so on.
- We need to recognise that many women in the criminal justice system are **victims**, not only of circumstances and life events, but also often victims of crime, including domestic abuse, sexual abuse and coercion by others. This crossover between 'victims' and 'offenders' continues to be a challenging concept for many involved in the criminal justice system – the system itself often reflects an assumption that these are two very different groups of people.
- A **victims approach** should therefore be taken to women offenders. The criminal justice system should recognise their common experience as victims of crimes such as domestic abuse, sexual abuse and coercion by others, and we should ensure their access to support services for victims.
- Custody continues to be seen by some as a safer, more supportive environment for some women than the communities in which they live. This reflects perhaps a failure of our community services in themselves, but perhaps more a failure to invest in and promote **credible community alternatives to custody**.
- Many women enter the criminal justice system due to their own (or others') **alcohol and drug dependency**, and the **impact and influence of men** (particularly male partners) – yet our existing responses to their crimes more often than not overlook these routes in, and so fail to create effective routes out.
- In our view, there has been a **lack of strategic leadership** in relation to securing improvements for women in the criminal justice system. Over the past years, women prisoners have often been seen as a priority by decision-makers, yet with no positive impact whatsoever on prisoner numbers. (The Apex Annual Lecture 2010 by Baroness Vivien Stern tracks these historic developments very insightfully²). It is unclear whether the recommendations by any previous commissions or enquiries have ever been followed up by those who established them. Individual departments, services or organisations have therefore never been held to account for their failure to deliver the recommendations made – including most recently the McLeish Commission ('Scotland's Choice: Report of the Scottish Prisons Commission, 2008), which made many recommendations in relation to women in prison.³

² http://www.apexscotland.org.uk/documents/ApexScotlandAnnualLecture-2010_000.pdf

³ <http://www.scotland.gov.uk/Resource/Doc/230180/0062359.pdf>

How effective are the existing structural and funding arrangements in delivering positive outcomes for women offenders?

- It is the criminal justice **system rather than structures** which needs to adapt. This requires improved understanding by all agencies of how their role in the system relates to – and impacts upon – others.
- The piloting of the **Whole System Approach** for women in Glasgow – following very positive results in relation to the youth justice system – is a very positive development here, through its very recognition that we are part of a single system and should act as such.
- In terms of funding, this tends to be focused on individual agency activity rather than shared outcomes, and there is **little evidence of pooling resources** across agencies who may in fact be working with the same clients (e.g. Alcohol and Drug Partnerships and Criminal Justice Partnerships). A Whole Systems Approach would provide better use of existing services, through improved coordination, early intervention, and more appropriate referrals.
- Similarly many of the solutions to offending – including female offending – lie outwith the criminal justice system, and we need to link the criminal justice system more effectively into **community planning arrangements**, to ensure that these wider needs (e.g. housing, employability, family issues etc) are considered in strategic and operational plans.
- We would like to see a shift here towards funding outcomes – in the same way that local Community Planning Partnerships have been given devolved, mainstream resources to deliver **Single Outcome Agreements**.

What is currently available to divert women out of the criminal justice system and how effective is it? What more could be done?

- Very little is currently available to divert women – particularly **adult women** – out of the criminal justice system, but we know that intensive and holistic support would provide an effective diversion. We have recently facilitated a local SWS workshop between COPFS, local authorities and police colleagues to identify good practice to date (generally focused on young offenders) and areas for improvement (mainly the lack of adult diversion and improved communication between partner agencies).
- We believe that – wherever possible – keeping **young women** out of the criminal justice system altogether is particularly effective (and cost-effective) in the long term. Investing in intensive support for adolescent girls is a proven 'spend to save' approach.
- In Ayrshire, discussions have taken place between the local authority and COPFS to increase uptake of the **bail supervision** service (provided by SACRO) for women, to reduce the use of remand.
- We welcome the pilot of the **Whole Systems Approach** for women in Glasgow, which could make a significant contribution here, and await its results with interest.
- **Restorative justice** is an underdeveloped approach in Scotland – in particular in relation to adult offenders – options to extend this approach should be explored in relation to women offenders.

How can community sentences be more effective at reducing the likelihood of reoffending?

- Community sentences are already **more successful** than custodial sentences in terms of reducing re-offending, and we welcome the Scottish Government's continued commitment (both financial and political) to shifting the balance away from custody to the community.
- We are optimistic that the **recent improvements** in community sentences through the introduction of Community Payback Orders should reduce re-offending further, such as the focus on increased speed and immediacy, and a public recognition that individuals can feel pride and ownership through the opportunity to 'payback' in their own communities.
- However we know from the experience of Women in Focus that women are more likely to successfully complete community sentences if they receive **additional holistic support** which identifies and responds to their own goals, needs and outcomes. In this way, issues which threaten their compliance with community sentences, such as housing problems, benefits claims, family and relationship difficulties, lack of self-esteem and confidence and so on can be dealt with hand-in-hand with their community sentence.
- This additional support may most usefully be provided by a single named individual, with whom a **non-judgemental and trusted relationship** can be established, and by a third sector/ non-statutory service which offers outreach to the woman's own home and community. This approach proves excellent value for money if breach rates are reduced. For example Barnardo's estimated that Women in Focus cost just £1698 per service user.
- There are also good practice examples of women's groups facilitated by community payback staff in Dumfries and Galloway, where women completing unpaid work meet together as a group to explore and deal with the issues which affect them. Additional women offenders groups are also supported by Apex in Dumfries and Galloway.
- **Pathways on from community sentences** could also be improved, to build on the positive engagement and learning that may have occurred, and to enable women to become more integrated into their local communities – often for the first time. For example routes into community learning, community development, arts, or voluntary work in the community may provide very positive pathways for women. A number of the Women in Focus service users have completed accredited peer mentoring training through the Glasgow Mentoring Network, are now peer mentors for Barnardo's, and will shortly start supporting appropriate female Criminal Justice Social Work clients.
- The opportunity to use engagement with community sentences to **signpost service users** to other appropriate support could also improve, for example around health, literacies, employability etc. For example we are looking at ways to improve Criminal Justice Social Work teams' links into local Community Planning Partnership employability pipelines (where all local employability services come together), and the NHS Keep Well services (which have identified offenders as a priority group). We recognise there is room to engage other community partners more in this work.

How can we ensure short and longer term prisoners get more consistent support and have their needs addressed throughout their sentence and after release?

- Support within prisons and post-release varies greatly across the country, and has **evolved over time** due to availability of specific funding criteria or particular local initiatives. The phrase 'postcode lottery' is over-used, yet it is very appropriate to describe the current situation in relation to women leaving prison.
- Whilst particular approaches have proved successful (e.g. various organisations offer 'meet at the gate' services and ongoing voluntary throughcare) there is **no consistent throughcare service**, and no national approach to sharing best practice, future resourcing or extending services across the country. Current Criminal Justice Social Work funding is only sufficient to resource statutory throughcare for long-term prisoners, with very little resource allocated to voluntary throughcare (which in any case has a very low take-up by short-term prisoners).
- Existing and emerging **inter-agency protocols and pathways** have generally focused on male, local prisons (e.g. HMP Perth, HMP Dumfries) and whilst it is more complex to reach agreement across the country these should be introduced for all prisons holding women.

How can we maintain contact with families and children during prison sentences?

- We understand that **Families Outside** has given evidence to the Commission and would support their significant contribution to this agenda.
- We recognise that, in addition to requiring recognition in their own right, families act as a protective factor where strong relationships are in place and are maintained. We have developed the **SWSCJA Family Engagement Standards**⁴ and are supporting a range of practical improvements at all points of the criminal justice process, including an information card for families at the point of arrest, improved information at court, and better support for families during community sentences. We are also exploring how existing GIRFEC (Getting It Right For Every Child) arrangements could be used to improve support to children affected by parental imprisonment.
- There are many **excellent examples of existing initiatives** to maintain contact between prisoners and their families, including Storybook Dads, family bonding visits, breakfast clubs, homework clubs and family involvement in Integrated Case Management (ICM) processes. However these are not consistently available or promoted across the prison estate and many have been developed specifically to maintain contact between male prisoners and their families.
- The use of **HMP Greenock** for a number of women prisoners from South West Scotland (mainly Ayrshire) should be welcomed – this has improved both access and support for families, with a large and welcoming visits room and good family support services. However places at Greenock are limited and the majority of SWS women (around two-thirds) will remain at HMP Cornton Vale which is remote and difficult to access for families from the SWS area.
- The use of **videoconferencing** – and cheaper, more accessible technology such as **Skype**, should be introduced as commonplace to help families keep in touch more regularly.

⁴ Download from: <http://www.swscja.org.uk/view-document-details/46-family-engagement-standards.html>

To what extent do the issues identified for women offenders also apply to male offenders?

- Their remains a **lack of services** which respond specifically to the needs of women offenders, both within and outwith custody.
- Women are a minority of those involved in the criminal justice system but the **knock-on impact** may be higher, given their higher likelihood of primary parenting or caring responsibilities, and the evidence of inter-generational offending patterns and significantly poorer outcomes for children who become 'looked after' by the state.
- However it is also worth noting that men and women in the criminal justice system share **many common experiences**, such as poor mental health problems, poverty and lack of opportunity, alcohol and drug abuse, and overcrowding in prisons etc, and that many suggested improvements in relation to women offenders (e.g. better diversion opportunities, throughcare, family contact, a more holistic response etc) would also benefit male offenders. Arguably men may also be less likely to ask for help with some of these wider issues.

How do we ensure that practitioners have the right interpersonal skills and knowledge of what promotes desistance?

- In addition to skills and knowledge, practitioners across all providers need a **shared value base** centred on the belief that people can change, and a non-judgemental approach.
- We are supporting a pilot of **accredited, multi-agency life-coaching training** for staff working with women offenders in custody and the community (this development is being led by East Ayrshire Council). This will increase the existing capacity of staff to assist women to move on with their lives.
- We can transfer some of the learning from GIRFEC (Getting It Right For Every Child), whereby professionals are taking part in a **cultural shift** away from referring problems on, to taking responsibility and accountability for problem-solving.
- Practitioners can also increase skills and knowledge through greater access to supervision, mentoring, shadowing opportunities and professional development and review. We believe that more multi-agency opportunities should be provided across traditional professional boundaries and between different sectors – a **Whole System approach to training and development**.
- We also need to provide more inspirational and aspirational development opportunities for staff, to learn from best practice locally and elsewhere, including 'champions groups' and practitioner forums to allow for **peer support and practice exchange**. This includes providing more opportunities for offenders and ex-offenders to **directly share their experiences** of what promotes (and prevents) desistance.